UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,827	03/09/2000	Tony M. Brewer	10992150-1	2277

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EXAMINER
POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 April 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _21 October 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☒ Other: _see attached office action_.

DETAILED ACTION

Response to Amendment

1.   This application has been assigned to a new examiner. His contact information is

provided below.

2.   Applicant's request for reconsideration of the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

3. .   Applicant's arguments with respect to claims 1-24 have been considered but are moot in

view of the new ground(s) of rejection.

4.   Due to the lack of clarity in previous actions regarding the nature of the data entry as

applied to the prior art, the previous rejection has been withdrawn. This action is non-final.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

6.   Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure

which is not enabling. The usage and purpose of generating and preserving data entries, and the

definition and characteristics of said data entry, is critical or essential to the practice of the

invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*,

527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Amendments must be made to the specification

and/or claims to clarify the definition and usage of data entry, and to further clarify what purpose

the data entry serves. For the purposes of this action, the examiner will assume that the data

entry may be any and all forms of data collection of any length, provided it results from any

transaction monitoring process.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1, 2, 4, 14-16, and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated

by Rosborough (5,838,920).

9.   For claims 1, 14, 20 and 24, Rosborough teaches a method (abstract) for executing a data

operative transaction (col. 1, line 1 – col. 4, line 15) in a network (Fig. 1, #24) having a source

site (Fig. 1, 28) and a destination site (Fig. 1, 32), the method comprising the steps of:

a.   Transmitting an initial transaction request message from said source site to said

destination site (col. 5, lines 38-65; service request packet);

b.   Receiving said transaction request message at said destination site (Figs. 4-6);

c.   Generating (Fig. 1, #20 and 36; Fig. 2) a data entry (Fig. 6A, #104) related to the

progress of said data operative transaction in a destination database (col. 6, lines 30-60;

records relating to particular threads and sessions); and

d.   Preserving said association of said data entry with said data operative transaction

in said destination database so long as said data operative transaction is active in said

network (col. 7, lines 40-60; data entry is maintained at least until the completion packet

is recorded).

10.   For claim 2, Rosborough teaches executing said data operative transaction at said

destination site, thereby producing transaction results (Fig. 4, service result packet).

11.   For claim 4, Rosborough teaches transmitting said transaction results to said source site

over said network (col. 5, lines 60-65).

12.   For claim 15, Rosborough teaches that the reservation database is a content addressable

memory (Figs. 6; inherent, as steps cannot be performed without content addressable memory).

13.   For claim 16, Rosborough teaches that the source site comprises a processor (Fig. 12) and

the destination site comprises a memory (Fig. 6; inherent as operations cannot be performed

without processors and memory).

14.   For claims 21-23, Rosborough teaches that said data operative transaction is one of a

memory read and a memory write (col. 5, lines 30-45).

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

16.   Claims 3, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosborough

as applied to claims 1, 2, 4 above, and further in view of Chlan et al. (6,385,642).

17.   For claim 3, Rosborough does not expressly disclose that, where a prospective operation

will override said transaction results in a memory board, storing said transaction results in said

destination database, thereby enabling retransmission of said transaction results if a further

reservation request message is received at said destination site. Chlan teaches a method

(abstract) of performing data operative transactions in a network (Fig. 1; col. 1, line 1 – col. 3,

line 1) in which transaction results are stored in a destination database (Fig. 1, #26; Fig. 2, #208;

cache files) that can be updated if results change (Fig. 2, #214). At the time the invention was

made, one of ordinary skill in the art would have used Chlan transaction caching in a

Rosborough system in order to better manage sessions and resources (col. 2, lines 10-30).

18.   For claim 7, Rosborough does not expressly disclose that upon receiving a duplicate

transaction request message, identifying the data entry in the destination database established for

said data operative transaction, acquiring said transaction results, and retransmitting said

acquired transaction results to said source site. Chlan teaches this method (col. 5, lines 10-45).

At the time the invention was made, one of ordinary skill in the art would have added this feature

to Rosborough in order to better manage sessions and resources (col. 2, lines 10-30).

19.   For claim 8, Rosborough does not expressly disclose retrieving said transaction results

from said destination database. Chlan teaches this limitation (Fig. 1, #26). At the time the

invention was made, one of ordinary skill in the art would have added this feature to Rosborough

in order to better manage sessions and resources (col. 2, lines 10-30).

20.   For claim 9, Rosborough does not expressly disclose executing said data operative

transaction in response to said duplicate transaction request message, thereby producing said

transaction results. Chlan teaches this method (col. 5, lines 10-45). At the time the invention

was made, one of ordinary skill in the art would have added this feature to Rosborough in order

to better manage sessions and resources (col. 2, lines 10-30).

21.   Claims 5, 6, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rosborough as applied to claims 1 and 14 above, and further in view of Lee et al. (5,774,479).

22.   For claim 5, Rosborough does not expressly disclose transmitting another transaction

request message if no response is received from said destination site at said source site within a

source site time-out period. Lee teaches a method (abstract) of monitoring unreliable networks

(col. 1, line 1 – col. 2, line 50) in which a redundant request is transmitted if no response is

received (col. 3, lines 50-65). At the time the invention was made, one of ordinary skill in the art

would have added retransmissions to Rosborough in order to ensure completion of transmissions

(col. 1, lines 10-18).

23.   For claims 6 and 19, Rosborough does not expressly disclose deleting said initial

transaction request message from the network if said transaction request message does not reach

said destination site within a request message time-out period, wherein said source site time-out

period exceeds said request message time-out period to prevent having two transaction request

messages simultaneously in transmission through said network. Lee teaches the deletion of

alternate messages (Figs. 4-6). At the time the invention was made, one of ordinary skill in the

art would have added Lee's redundant message cancellation method in order to minimize the

number of messages transmitted (col. 1, lines 10-25).

24.   Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosborough

as applied to claims 1, 2, and 4 above, and further in view of Jalili et al. (5,423,042).

25.   For claim 10, Rosborough does not expressly disclose receiving said transmitted

transaction results at said source site and transmitting, from said source site to said destination

site, a release request to delete said data entry associated with said data operative transaction in said destination database. Jalili teaches a method (abstract) of executing data transactions in a client-server network (col. 1, line 1 – col. 3, line 35) in which requests are tracked and performed (col. 3, line 50 – col. 4, line 50) in which a client can request said data removal (col. 8, lines 51-56). At the time the invention was made, one of ordinary skill in the art would have added a Jalili deletion method to Rosborough in order to reallocate and save space (col. 9, lines 5-7).

26.   For claim 11, Rosborough does not expressly disclose receiving, at said destination site, said release request to delete said data entry associated with said data operative transaction, and deleting, within said destination database, said data entry associated with said data operative transaction, thereby liberating space in said destination database. Jalili teaches this limitation (col. 8, line 51 – col. 9, line 7). At the time the invention was made, one of ordinary skill in the art would have added a Jalili deletion method to Rosborough in order to reallocate and save space (col. 9, lines 5-7).

27.   For claim 12, Rosborough does not expressly disclose transmitting, from said destination site to said source site, a release response message, thereby indicating that said data entry associated with said data operative transaction in said destination database has been deleted. Jalili teaches this limitation (col. 10, lines 40-55). At the time the invention was made, one of ordinary skill in the art would have added a Jalili deletion method to Rosborough in order to reallocate and save space (col. 9, lines 5-7).

28.   Claims 13, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rosborough as applied to claims 1, 14, and 16 above, and further in view of Forman et al.

(6,178,449).

29.   For claim 13, Rosborough teaches that the source site includes a processor (Fig. 12) but

does not expressly disclose that the source site includes an agent device, or delegating said step

of transmitting said initial transaction request message to said agent device. Forman teaches a

method (abstract) of monitoring client-server transactions (col. 1, line 1 – col. 3, line 35) that

utilize client agents for communication with the server (Figs. 3 and 4). At the time the invention

was made, one of ordinary skill in the art would have used Forman's agent system in

Rosborough in order to more efficiently determine transaction times (col. 4, lines 44-53).

30.   For claim 17, Rosborough does not expressly disclose that the source site further

comprises a processor agent device for conducting communication with said destination site,

thereby enabling said processor to efficiently concentrate on other tasks. Forman teaches this

limitation (col. 6, line 54 – col. 7, line 50). At the time the invention was made, one of ordinary

skill in the art would have used Forman's agent system in Rosborough in order to more

efficiently determine transaction times (col. 4, lines 44-53).

31.   For claim 18, Rosborough does not expressly disclose that the source site further

comprises a source site database for preserving an identification and a status of said data

operative transaction until said transaction is complete. Forman teaches this limitation (Fig. 4,

#480). At the time the invention was made, one of ordinary skill in the art would have used

Forman's agent system in Rosborough in order to more efficiently determine transaction times

(col. 4, lines 44-53).

Conclusion

32.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

33.   Teachings on claim limitations in telephony environment: Ehrlich et al. (6,598,078),

Chernick et al. (6,718,399), Brockman et al. (6,614,894).

34.   Teachings on claim limitations in delay monitoring environment: Ross (6,477,571),

Bennett (5,612,949).

35.   Teachings on claim limitations in network monitoring environment: Wilson et al.

(6,714,976), Landan (6,449,739), Chiu et al. (6,701,363).

36.   Teachings on claim limitations in security environment : Veluvali et al. (6,477,559),

Shaffer et al. (6,122,743), Bunton et al. (6,374,282).

37.   Teachings on claim limitations in data cache environment: Gregg (6,570,885).

38.   Teachings on claim limitations in memory storage environment: Webber et al.

(6,880,057), Edwards et al. (6,779,145).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887.

The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP
26 May 2005

VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER